

### **DETAILED ACTION**

1. Claims 1, 2, 4, 5, 8, 9, 12, 13, 16, 19, 21-23, 27-29, 33, 34, 37, 39-51, 55, and 64-77 are pending in the application.
2. In the prior action, mailed on May 7, 2008, claims 1, 2, 4, 5, 8, 9, 12, 13, 16, 19, 21-23, 27-29, 33, 34, 37, 39-51, 53-55, and 64-77 were pending and under consideration in the application; with claims 1, 4, 5, 8, 9, 12, 13, 16, 19, 21-23, 27-29, 33, 34, 37, 39-51, and 64-77 indicated to be allowable; and claims 2, 53-55, and 59 rejected.
3. In the Response of August 7, 2008, the Applicant amended claim 2; and cancelled claims 53, 54, and 59.

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John L. Gase on October 3, 2008.

The application has been amended as follows:

Claim 55 has been cancelled from the application.

5. **(Prior Rejection- Withdrawn)** Claims 2 and 54 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In view of the amendment, or cancellation, of the claims, the rejection is withdrawn.

***Claim Rejections - 35 USC § 102***

6. **(Prior Rejection- Maintained)** Claims 53-55 and 59 were rejected under 35 U.S.C. 102(b) as being anticipated by Boyd (US 6,193,982) in light of Ziolkowska et al. (Acta Biochim Pol 53: 617-26). In view of the cancellation of the claims, the rejection is withdrawn.

***Double Patenting***

7. **(Prior Rejection- Withdrawn)** Claims 53-55 and 59 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,193,982 in light of Ziolkowska. In view of the cancellation of the claims, the rejection is withdrawn.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZACHARIAH LUCAS whose telephone number is (571)272-0905. The examiner can normally be reached on Monday-Friday, 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campbell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Zachariah Lucas/  
Primary Examiner, Art Unit 1648